

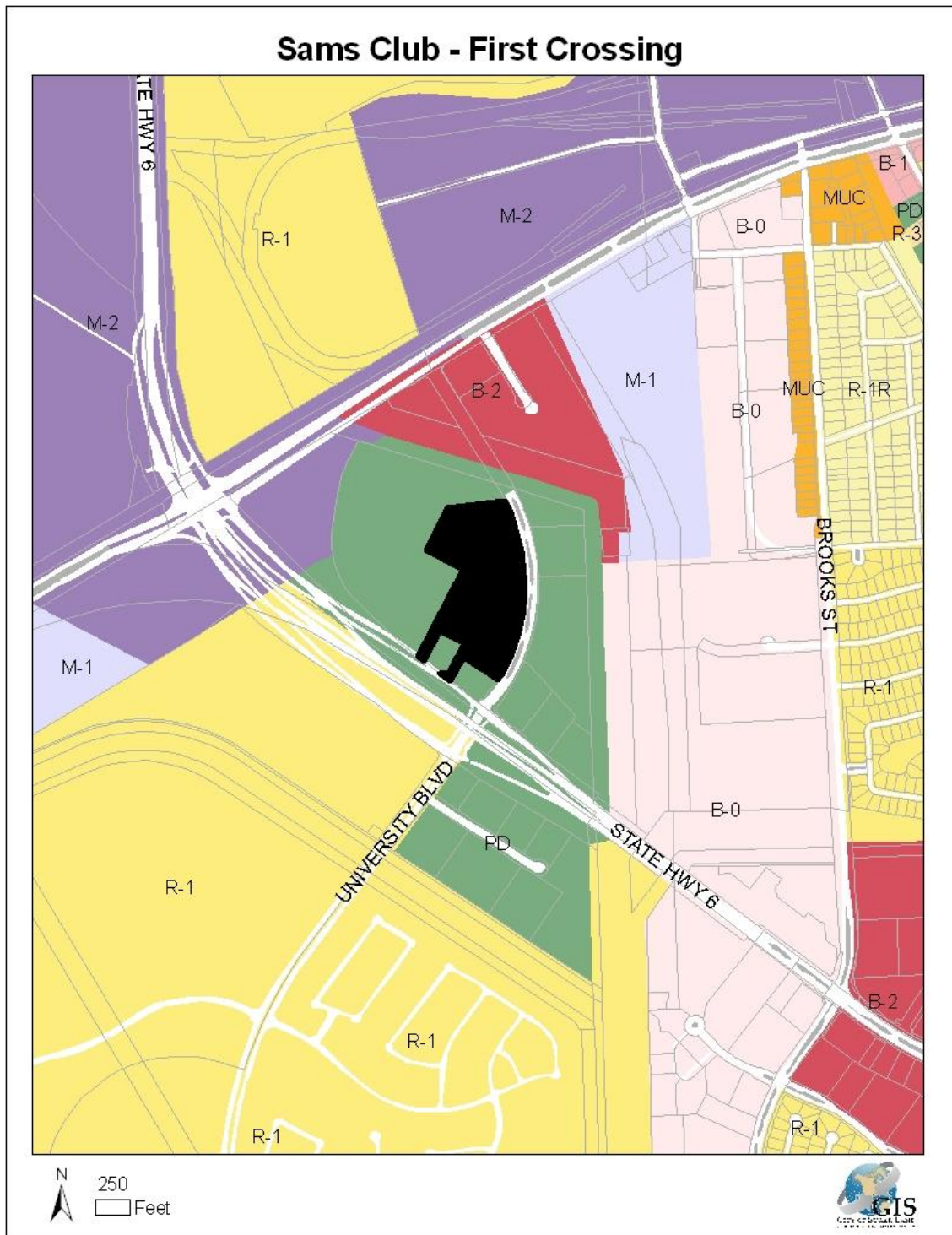


PLANNING & ZONING COMMISSION

AGENDA REQUEST

AGENDA OF:	7/22/10	AGENDA REQUEST NO:	V-A
INITIATED BY:	HAROLD ELLIS, PLANNER II <i>HE</i>	RESPONSIBLE DEPARTMENT:	PLANNING
PRESENTED BY:	HAROLD ELLIS, PLANNER II	ASSISTANT PLANNING DIRECTOR:	N/A
		ADDITIONAL DEPARTMENT HEAD (S):	
SUBJECT / PROCEEDING:	AMENDMENT TO SIGN REGULATIONS ESTABLISHED IN ORDINANCES 1255 AND 1430 FOR THE FIRST CROSSING PLANNED DEVELOPMENT (PD) ZONING DISTRICT PUBLIC HEARING/DISCUSSION AND DIRECTION		
EXHIBITS:	VICINITY MAP, PRELIMINARY STAFF REPORT, SITE PHOTOS, PROPOSED SIGNAGE PHOTOS, APPLICATION, CORRESPONDENCE		
CLEARANCES		APPROVAL	
LEGAL:	N/A	INTERIM PLANNING DIRECTOR:	DOUGLAS SCHOMBURG, AICP <i>D.S.</i>
RECOMMENDED ACTION			
Public Hearing followed by Discussion and Direction			
EXECUTIVE SUMMARY			
<p>WD Partners on behalf of Sam's Business Trust have requested to amend the sign regulations set forth in the First Crossing Planned Development District. Specifically, the request has been made to increase the allowable wall sign height for Parcel B of the First Crossing PD, which is where Sam's Club is located. This request would not affect other parcels within the First Crossing development and is limited to wall signs only, and does not propose to change any freestanding sign regulations for the site. Specifics on the request will be provided in the Case Overview section of this report.</p> <p>Preliminary analysis by the Planning Department has not found that approved PD District ordinances within the City of Sugar Land contain less restrictive sign regulations than Chapter Four of the Development Code. This information was relayed to the applicant, who has requested to continue to move forward with the proposed amendment.</p> <p>CC: Brian Lorenz, brian.lorenz@wdpartners.com, File No. 12361</p>			
EXHIBITS			

Vicinity Map:



PRELIMINARY ANALYSIS

Development Code Provisions for Planned Development Districts:

Sec. 2-172 – Intent: The planned development district allows for a development containing uses or a combination of uses in a design that would not otherwise comply with the regulations of the primary zoning districts, but does provide an overall design, increased Open Space, or other features or amenities that results in a superior development or offer special benefits to the community. A planned development district may not be used for the primary purpose of avoiding the zoning regulations applicable to the primary zoning districts.

Case Overview:

As stated in the Executive Summary, WD Partners on behalf of Sam’s Business Trust have requested to amend the sign regulations set forth in the First Crossing Planned Development District. The request is to increase the allowed maximum wall height for the Sam’s Club portion of the First Crossing PD.

The current sign regulations for the district are set forth in Ordinances 1255 and 1430, which established the Planned Development (PD) zoning for the development. The regulations state that *All signs in the PD shall comply with the regulations imposed by Chapter 4 of the Development Code, except as follows.* The exceptions stated only include freestanding sign restrictions, and a restriction on wall signs located on the rear of a building. Therefore, standard wall sign regulations (on front and side façade of buildings) default to standard sign regulations found in Chapter 4 of the City’s Development Code. Specifics on those regulations, proposed sign dimensions, and existing sign dimensions are provided below:

<i>Allowed Wall Signage-</i> Chapter 4, Sec. 4-25 COSL Dev Code	2” of sign height per each 1’ of wall height, and a maximum of 300 sq ft total per wall Quantity of wall signs not regulated Equates to: 6’ 10” maximum sign height
<i>Existing Wall Signage-</i> Approved by COSL in 2002	<u>Front Elevation</u> (2) 11’ 4” in height, total of 128 sq ft <u>Side Elevation</u> (1) 18’ 4 ½” in height, 169 sq ft
Proposed Wall Signage	<u>Front and side Elevation</u> (3) 11’ 4” in height, total of 256 sq ft (includes additional sign below) (1) 8’X 8’, total of 64 sq ft (incl in sq ftg above)

The size of the signs being proposed with this PD amendment is (3) 8' X 8' diamond shaped, 64 square foot sign with a height of 11' 4". The maximum allowed size per the Development Code is 6' 10", based on a 41' tall wall. Therefore, the sign is **4' 6" taller** than the City regulations permit. Additionally, (1) 8' X 8' square shaped sign, 64 sq ft is also being proposed. This sign would be **1' 2" taller** than City regulations permit. The square footage of all 4 proposed signs would be 256 square feet, less than the 300 sq ft total permitted.

The existing wall signs on the building are two different sizes. (2) signs are 8' X 8' with a height of 11' 4" in height, which is **4' 6" taller** than the City Regulations allow. (1) sign is 13' X 13' with a height of 18' 4 1/2", which is **11' 6" taller** than the City Regulations allow. The total square footage is 297 sq ft, less than the 300 sq ft permitted. The existing signs were permitted in error by the City in 2002. As the new signs being proposed require new sign permits, any new sign permits are required to meet all sign regulations of the City's Development Code, unless otherwise specified by a PD. In this case, the PD does not currently specify otherwise.

Preliminary Conclusions:

As previously mentioned, the zoning for the property in question is Planned Development (PD). In order for a Planned Development zoning designation to be approved by City Council, it must be determined that the development provides *an overall design, increased Open Space, or other features or amenities that results in a superior development or offer special benefits to the community.*

At this time, the City does not have any other Planned Development zoning districts which allow for increased signage. Additionally, the Planning Department does not believe that allowing for additional sign height, even while slightly reducing the current square footage, would result in the requirements necessary for a PD to meet its intent.

Points for Consideration:

- Neighboring Wal-Mart store revised new signage in 2009 to meet current City regulations
- While (1) sign is being reduced from 13' X 13", the other signs are proposed to be the same size as the existing signs (8' X 8') which do not meet City regulations
- There are currently 2 main signs on the front of the store, 3 main front signs are being proposed
- Planned Developments have been proposed with signs smaller than the Development code would permit in the past, which is more in alignment with the intent of a PD district

Site Photos (existing signage):



Site Plan (existing signage):



Site Photos (existing signage):



Site Photos (existing signs):



Site Photos (proposed signage):

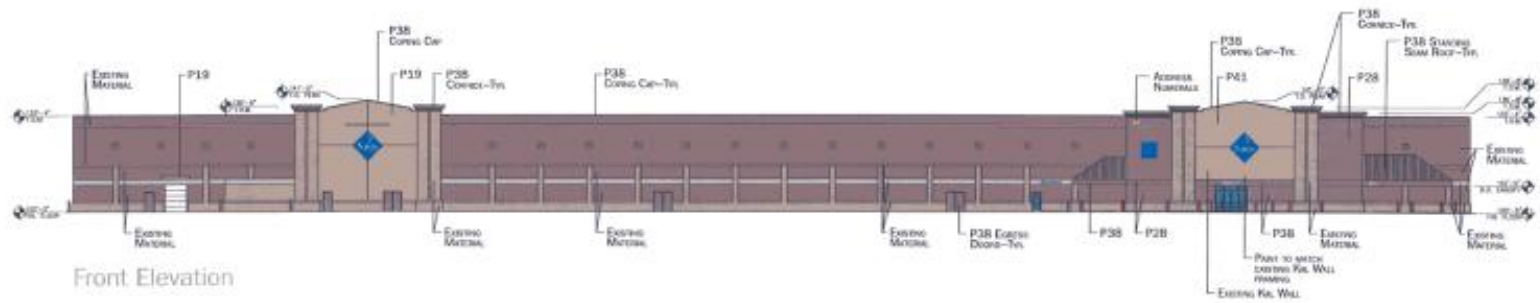


Photo Reference



Detail Photos



wd

July 14, 2010

Sugar Land, TX: Club 4763

SAMREX001

Not to Scale

Paint Color Legend

P13 SW 6094 "Sensational Sand"	P38 SW 6122 "Portabella"	P5 SW 4084 "Safety Yellow"
P41 SW 6100 "Practical Beige"	P28 SW 6124 "Cardboard"	P23 SW 1354 "White Orchid"

Front Elevation 2

Site Plan (proposed signage):



Paint Color Legend

P19 SW 6094 "Sensational Sand"	P38 SW 6102 "Purcella"	P5 SW 4084 "Safety Yellow"
P41 SW 6100 "Practical Beige"	P28 SW 6124 "Cardboard"	P23 SW 1554 "White Orchid"



July 14, 2010

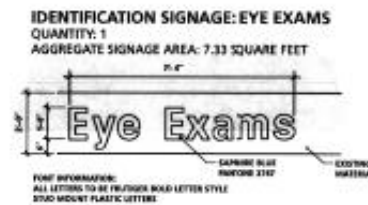
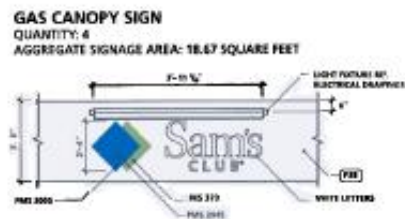
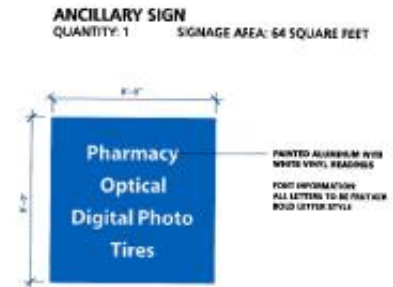
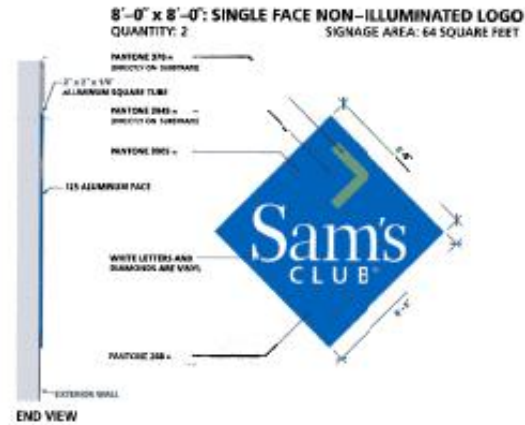
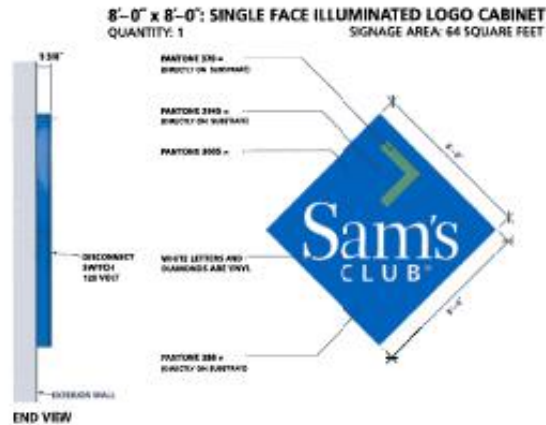
Sugar Land, TX: Club 4763

SAMR0302

Not to Scale

Right Elevation 3

Site Photos (proposed signage):



July 14, 2010

Sugar Land, TX: Club 4763
SAM00000002

Not to Scale

Application:

MAY 05 2010



FOR OFFICE USE
Accounting Code: ZC
\$1,113.25

**PLANNING DEPARTMENT
PLANNED DEVELOPMENT (PD) DISTRICT REZONING APPLICATION**

Please type or print the following information & Return your submittal to the Planning Department, City Hall, 2700 Town Center Blvd. North, Sugar Land, TX 77479, Attention: Development Review Coordinator

**DUE TO DETAILS REQUIRED FOR PD DISTRICT APPLICATIONS, STAFF STRONGLY RECOMMENDS A PRE-DEVELOPMENT MEETING PRIOR TO SUBMITTAL*

Applicant

Contact WD PARTNERS c/o BRIAN LORENZ, AICP, URB AP
Address 7007 DISCOVERY BLVD DUBLIN, OH 43017
Phone 614.634.7128 Fax 614.634.7777 Email brian.lorenz@wdpartners.com

Owner (Note that owner must also sign form if different than applicant)

Contact SAM'S R.E. BUSINESS TRUST
Address 2001 SE 10TH ST BENTONVILLE, AR 72716-0550 c/o COPE GRACY
Phone 479.234.2773 Fax 479.273.8350 Email cope.gracy@wal-mart.com

Property Legal Description 0032 A HODGES, ACRES 14.93, RESTRICTED RESERVE See Attached

Lot — Block — Subdivision FIRST CROSSING PHASE 1

Current Zoning District to be rezoned to PD Dist. —

or

If a PD District amendment (provide details) AMEND SIGN STANDARDS PERTAINING TO VERTICAL

HEIGHT

This is to certify that the information on this form is COMPLETE, TRUE, and CORRECT and undersigned is authorized to make this application. Application expires 6 months from the date stamped as received by the Planning Department if no action has been taken by the Planning and Zoning Commission on request.

X

[Signature] Date 4/28/10
Signature of Applicant (Requires property owners signature if different than owner)

PD District Application Submittal Requirements (Submittal Deadline is Monday at 3:00 p.m.):

- ☒ Three (3) copies of the completed application
- ☒ Check for \$1,113.25 per Ord. 1701 (non-refundable)
- ☒ Metes and bounds legal description of the site or county slide number of plat, if recorded
- ☒ Two (2) copies at least 11" x 17" in size of the PD Development Plan, including a vicinity map and north arrow on each copy (color drawings not required)
- ☒ Two (2) copies of a letter stating the applicant's request and addressing issues relating to PD including detailed use list, PD development plan with lots / reserves, traffic circulation, landscaping, and other pertinent information

Please note: A courtesy notification sign will be placed on the subject property during the public hearing process and will be removed when the case has been processed App. Oct. 2008

Correspondence:

APPLICATION FOR PD DISTRICT REZONING
SAM'S CLUB – SUGAR LAND, TEXAS
JUSTIFICATION STATEMENT
MAY 3, 2010

MAY 05 2010

DESCRIPTION OF REQUEST.

Signage has become a very pivotal portion of the national reimagining program. Sam's Club is requesting an amendment from the First Crossing Development Text and City of Sugar Land Zoning Code in one part:

1. To allow an increase in vertical height for building identification signs – four signs total;

It should be noted currently there are nine wall signs totaling approximately 400 square feet. The proposed signage sought through this request is significantly less with a total of eight signs just over 282 square feet. Three of the eight signs are key identifying signs, each downgraded to 64 square feet from those currently on the building. The two on the front elevation are 100 square feet while the sign on the side elevation is 144 square feet. Under the text we are permitted approximately five feet of vertical height of signage, since our highest elevation is 38'. The proposed identification signs would be approximately 11' 3 ¼" vertically high. Compare this with the existing identification signs which are 14' 1" (front elevation) and 16' 11" (side elevation). While our proposal exceeds the limits of the formula in the text, it is more in line with the intent of the text than the existing signage is now. Further, these signs are sized more appropriately for the massing of the façade and for identification purposes.

A proposed Ancillary sign, which identifies specific service offerings in the club, is sized at 64 square feet. It also has a vertical square footage of 11' 3". This is a new sign not currently on the building.

The remaining signs are directional in nature and total just over 26 square feet combined.

The proposal meets the other criteria of the signage code specifically the lesser of the wall area (15%) or allowable square footage (300) of the entire building.

The gas station canopy will be signed but meet the provisions of the text.

SPECIAL CONDITIONS.

The basis for the proposed amendment is similar to others Sam's Club has encountered in municipalities where current signage has been made non-conforming by updated zoning codes or a previously approved variance. Most zoning codes and texts do not distinguish between small, medium, and large scale

Correspondence:

businesses when it comes to sign regulations. While many codes contain a formula based on length of the building façade, this particular text addresses vertical height of the building to designate signage allowances. The existing club needs to have signage that is properly massed with adequate visibility for traffic. The development text is limiting in vertical height, which causes significant hardship to buildings with more linear feet than vertical feet. Signs under the current text would appear as mere specs on the mass of the façade they reside on, causing a disproportionally while disrupting the harmony and rhythm of a building of these dimensions.

As stated above, the intent here is to use less square footage that is currently used on the building, decreasing the total square footage yet providing adequate identification signage for safety and way finding purposes as it relates to the massing of the building.

PROPERTY RIGHTS.

The current zoning restrictions render the existing signage non-conforming and proposed changes deprive Sam's Club the ability to advertise clearly on its building. Lack of proper identification may have a direct effect on traffic trying to identify Sam's Club along Highway 6.

NO SPECIAL PRIVILEGE.

The requested amendment pertains to the re-allocation of allowable wall sign area for uses allowed by the Zoning Resolution, therefore the granting of the amendment would not confer on the applicant any special use privilege that is denied by the Zoning Resolution to other lands, buildings, or structures in the same district. It should be stated again the signage proposed is greater than one-quarter less than the existing signage.

NON CONFORMING NEIGHBORING USES.

Our request is site specific and case history on variances on surrounding properties (if exists) was not considered or researched as part of our request.

MINIMUM NECESSITY.


Again, for the store to function properly with the site; to ensure and promote a safe travel environment for pedestrians and vehicles; to promote the business with clear, defined identification, this request is being done with the most minimal impact possible.

Correspondence:

HARMONY WITH LOCALITY.

The granting of the proposed amendment would not affect the essential character of the locality. Since larger and more signs are installed on the building now, this proposal would be closer to the intent and spirit of the development text, creating a greater cohesiveness to the overall plan as far as scalability and form. Following the exact requirements for vertical height may meet the intent of the development text but is so extreme (as far as limitation) we feel the size limitation would detract from the intent of text. Additionally, the amendment would not create a conflict with the Comprehensive Master Plan, as the Plan supports commercial activity on the subject property. In fact, the new signage package is more in line with other retailers in the area, creating a more harmonious look and feel to the corridor, at a significantly less amount of square footage, but with a fair amount of visibility.

Respectfully Submitted,



WD Partners
Brian Lorenz, AICP, LEED AP

Public Hearing Notice:

NOTICE OF PUBLIC HEARING

**AMENDMENT TO SIGN REGULATIONS
FIRST CROSSING PLANNED DEVELOPMENT DISTRICT**

AMENDMENT TO SIGN REGULATIONS ESTABLISHED IN ORDINANCES 1255 AND 1430 FOR THE SAMS CLUB DEVELOPMENT LOCATED AT FIRST CROSSING IN THE PLANNED DEVELOPMENT (PD) ZONING DISTRICT, 14.93 ACRES PLATTED AS FIRST CROSSING PHASE 1 RESERVE B

PURPOSE: ONE (1) PUBLIC HEARING SHALL BE HELD AT WHICH ALL PERSONS INTERESTED IN THE PROPOSED PD DISTRICT AMENDMENTS SHALL BE GIVEN AN OPPORTUNITY TO BE HEARD.

**WHERE: CITY OF SUGAR LAND CITY COUNCIL CHAMBER
2700 TOWN CENTER BOULEVARD NORTH**

**WHEN: PLANNING AND ZONING COMMISSION MEETING
6: 30 P.M., JULY 22, 2010**

DETAILS OF THE PROPOSED PLANNED DEVELOPMENT AMENDMENT MAY BE OBTAINED BY CONTACTING THE CITY OF SUGAR LAND PLANNING OFFICE, (281) 275-2218 OR BY EMAIL, PLANNING@SUGARLANDTX.GOV. THE PLANNING OFFICE IS OPEN MONDAY THROUGH FRIDAY FROM 8:00 O'CLOCK A.M. TO 5:00 O'CLOCK P.M., AND IS LOCATED IN CITY HALL, 2700 TOWN CENTER BOULEVARD NORTH, SUGAR LAND, TEXAS. PLEASE CONTACT US IF YOU WISH TO SET UP AN APPOINTMENT TO GO OVER ADDITIONAL DETAILS IN PERSON.